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| APPLICATION NO.                                                                                           | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------------------------------------------------------------------------------------------------|-------------|------------------------|---------------------|------------------|
| 09/941,708                                                                                                | 08/30/2001  | Jean Claude Brigaud    | 066829-5069         | 6238             |
| 9629 7590 10/17/2008<br>MORGAN LEWIS & BOCKIUS LLP<br>1111 PENNSYLVANIA AVENUE NW<br>WASHINGTON, DC 20004 |             |                        |                     |                  |
| EXAMINER<br>LEE, JOHN J                                                                                   |             |                        |                     |                  |
| ART UNIT<br>2618                                                                                          |             | PAPER NUMBER           |                     |                  |
| MAIL DATE<br>10/17/2008                                                                                   |             | DELIVERY MODE<br>PAPER |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

09/941,708

## Applicant(s)

BRIGAUD ET AL.

## Examiner

JOHN J. LEE

## Art Unit

2618

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 8 and 14 is/are rejected.
- 7) ☒ Claim(s) 2-7, 9-13 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/02)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1, 8, and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Mochizuki (US 6,580,901) in view of Mizusawa et al. (US 6,038,428).

Regarding **claims 1, 8, and 14**, Mochizuki teaches that a method of controlling amplification (controller controlling amplification see 8 through 2) of a signal emitted by a radio communication terminal (radio communication apparatus see Fig 1) including a power amplifier (2) and a power supply battery (7) (Fig. 1, 3 and column 2, lines 21 – column 3, lines 61). Mochizuki teaches that detecting an output power of said amplifier (2) and converting said output power into a first detected voltage (Vdet) (Fig. 3, 5 and column 3, lines 36 – column 5, lines 14, where teaches detecting output power (first detected voltage Vdet by detector) from output of the amplifier and converting the output detected voltage). Mochizuki teaches that modifying said first detected voltage (first detected voltage Vdet) based on an output voltage level of said power supply battery (7) (power amplifier modifies the first detected voltage Vdet and generates a second voltage) to generate a second detected voltage (generating the output second voltage level depend on the detected voltage level see column 3, lines 36 – column 5, lines 14, Fig. 5, 6, and column 6, lines 45 – column 7, lines 63). Mochizuki teaches that comparing said detected

voltage (comparing the detected voltages see 6 in Fig. 5) with a set voltage to generate a comparison result (column 3, lines 36 – column 5, lines 14, Fig. 5, 6, and column 6, lines 45 – column 7, lines 63, where teaches comparing the detected voltage from output of the detector and the set reference voltage from output of the control unit). Mochizuki teaches that adapting (producing input voltage to transmit through antenna) the input voltage of said power amplifier (2) based on said comparison result (column 3, lines 36 – column 5, lines 14, Fig. 5, 6, and column 6, lines 45 – column 7, lines 63, where teaches comparing the detected voltage and the reference voltage and the detected voltage or reference voltage causes to be depend on an output voltage of power supply (34 in Fig. 3) and transmitting the input voltage ).

Mochizuki does not specifically teach the limitation “comparing said detected voltage with a set point voltage to generate a comparison result”. However, Mizusawa teaches the limitation “comparing said detected voltage with a set point voltage to generate a comparison result” (column 5, lines 31 – column 6, lines 61 and Fig. 3, 4, where teaches comparing by comparator a set point voltage by reference voltage setting unit with the detected voltage (the output voltage form detector) and than producing the comparison result). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Mochizuki system as taught by Mizusawa, provide the motivation to achieve an efficient power controlling for improving transmission input power in radio transmitter in wireless communication system.

***Allowable Subject Matter***

3. Claims 2-7, 9-13, and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record fails to disclose "the means for rendering said detected voltage or said set point dependent on said voltage of said power supply battery include a subtractor between said comparator means and said power detector and converter means and the correction value is a multiple of  $V_{bat} - V_{nom}$  where  $V_{nom}$  is the nominal voltage of said power supply battery and  $V_{bat}$  is the output voltage of the power supply battery" as specified in the claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yokoya et al. (US 5,334,945) discloses Power Control Circuit.

Skarby (US 6,334,050) discloses Arrangement and a Method Relating to a Radio Unit.

Information regarding...Patent Application Information Retrieval (PAIR) system... at 866-217-9197 (toll-free)."

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
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Or P.O. Box 1450  
Alexandria VA 22313

or faxed (571) 273-8300, (for formal communications intended for entry)

Or: (703) 308-6606 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to USPTO Headquarters,  
Alexandria, VA.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John J. Lee** whose telephone number is **(571) 272-7880**. He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00 pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, **Nay Maung**, can be reached on **(571) 272-7882**. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

J.L  
October 13, 2008

John J Lee

/JOHN J LEE/  
Primary Examiner, Art Unit 2618